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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,173	10/14/2005	Kazuhide Iwata	F-8660	1064
28107	7590	10/09/2007	EXAMINER	
JORDAN AND HAMBURG LLP			WATSON, ROBERT C	
122 EAST 42ND STREET			ART UNIT	PAPER NUMBER
SUITE 4000				
NEW YORK, NY 10168			3723	
MAIL DATE	DELIVERY MODE			
10/09/2007	PAPER			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/553,173	IWATA, KAZUHIDE
	Examiner Robert C. Watson	Art Unit 3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 September 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 11-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 11-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fatheree in view of Vanistendael.

Fatheree shows a swing clamp having a pressing member 43, a rotary member 59, and a body 13. The pin 37 is received in closed slot 29 having first and second guide surfaces at the respective ends thereof. When the pin is exactly between the ends of the slot the pin is in the middle position. This pin/slot connection is seen to fulfill the multiple functions of (1) a rotary range restricting means, (2) an interlock means, and (3) a guide means. Fatheree lacks a holding means for holding the pressing member in the press releasing position.

Vanistendael teaches the use of a holding means 45.

To provide a holding means in Fatheree would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Vanistendael. One of ordinary skill in the art would have been motivated to do this in order to enable the clamp to automatically go to a non-clamping or release position when the rotary member is rotated to the non-clamping position. This holding member may be termed a "resilient body", a "resilient element", or a "resilient member". To further make the gradient of the first guide surface smaller than the gradient of the second guide surface in Fatheree would have been obvious for one skilled in the art at the time the invention

was made in view of the disclosure of Vanistendael. Not the small gradient of the first guide surface in Figure 3 of Vanistendael. One of ordinary skill in the art would have been motivated to do this in order to provide a slow and smooth initial rotation of the pressing member into position above the workpiece rather than a quick abrupt motion. Inasmuch as the shape of the gradient of the slot is directly proportional to the combined downward and rotary movement of pressing member it would have been obvious for one skilled in the art to experiment with a variety of different gradients and shapes of slots and merely select the slot gradient and shape desired.

Applicant's remarks have been given careful consideration. It appears that applicant has some specific narrow interpretation of the terms, rotary range restricting means, interlock means, and, guide means. The examiner takes a broader interpretation of these terms and the references as applied meet the examiners broader interpretation of these terms. Applicant argues that the shape of the slot and its gradient are patentable features. It is the examiner's position that since the shape and gradient of the slot directly affects the rotation and downward movement of the pressing member that it would have been obvious for one skilled in the art to select a slot shape and gradient commensurate with the pressing member movement that is desired.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 571 272-4498. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ROBERT C. WATSON  
PRIMARY EXAMINER